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DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

10,293

FILE: B-194390

DATE: May 24, 1979

MATTER OF: Environmental Air Control, Inc.

DIGEST:

DL4 011652

Where protester submits unsolicited proposal and subsequently participates in competitive procurement for same item, protest--filed after award to another competitor--alleging that solicitation contained protester's proprietary data is untimely under GAO Bid Protest Procedures and will not be considered.

Environmental Air Control, Inc. (EAC), protests the award of a contract under request for proposals (RFP) No. F09603-78-R-1525 issued by the Department of the Air Force for an Analytical Chemistry Processing Laboratory for McClellan Air Force Base. EAC essentially contends that the Air Force based the specifications in the RFP on EAC's proprietary information, which was submitted to the Air Force in the form of an unsolicited proposal. ACC00718

On August 24, 1978, the Air Force issued the subject RFP and after a lengthy negotiated procurement in which EAC fully participated, on February 28, 1979, the Air Force awarded the contract to Clean Room Engineering. Subsequently, EAC protested here.

EAC's protest concerns an alleged apparent solicitation impropriety and, therefore, in order to be considered on the merits, under our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1978), EAC's protest should have been filed prior to the closing date for receipt of initial proposals. Since it was not, it is untimely and will not be considered. ACR Electronics, Inc., B-193210, March 12, 1979, 79-1 CPD 171.

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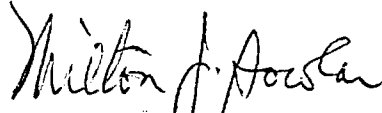
Protest dismissed.

We note that EAC has also claimed \$10,000 as payment due it because of the Air Force's use of certain information in the RFP. In order to expedite consideration of

[Protester Claims Solicitation  
Contained Proprietary DATA]

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EAC's protest, we are ruling on the protest now and EAC's claim will be decided after thorough consideration.

A handwritten signature in dark ink, appearing to read "Milton J. Socular". The signature is fluid and cursive, with the first name "Milton" being the most prominent.

Milton J. Socular  
General Counsel